

**ARTICLE 6 – APPOINTMENT & PROMOTION**

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21 **6.1 General Principles.**

22       **(a)** The University and UFF recognize that Florida Polytechnic University is a new  
23 institution, and as such, both parties accept that flexibility is required as we develop  
24 an excellent faculty through the process of appointment and promotion. The  
25 University and UFF share the desire to improve the quality of the University in all  
26 areas, but particularly in the execution of teaching, research, and service by the  
27 faculty. This article balances a recognition of the University’s unique history,  
28 newness, and current situation with a shared desire for continuous improvement.

29       **(b)** Faculty are defined as individuals whose primary responsibilities include teaching,

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1 service, and where applicable, research. Faculty included in this contract are  
2 designated by ranks of Instructor, Senior Instructor, Assistant Professor, Associate  
3 Professor, and Professor.

4 (c) The University and UFF further recognize that reappointment and promotions are  
5 an important method by which the University recognizes excellence and rewards  
6 its employees' contributions to advancing the mission of the University.

7 (d) Reappointment and promotion decisions are not determined by any sole factor and  
8 are based upon a careful and rigorous assessment that relies upon faculty and  
9 administrative review of:

10 (1) a faculty member's demonstrated teaching, scholarship, research service  
11 contributions, and other work duties, as relevant, at the University;

12 (2) the assessment of the faculty member's continued positive contribution to  
13 their department and the University, and;

14 (3) the faculty member's potential for continued appropriate contributions and  
15 growth.

16 (e) Elements critical to the promotion process ~~may~~ include, but may not be limited to:

17 (1) a faculty member's annual performance evaluations;

18 (2) a significant and careful review of credentials by a set of faculty that hold  
19 at least the rank sought by the Candidate;

20 (3) an external set of recommendations appropriate for that faculty member  
21 (excluding instructors and academic professionals) by subject matter  
22 experts in the Candidate's field, and;

23 (4) administrative review.

24 (f) Every Candidate for reappointment and/or promotion will be fairly evaluated, and  
25 the ~~integrity of the~~ evaluation process will be maintained to the highest degree of  
26 integrity.

27 (g) Non-reappointments shall not be made in an arbitrary or capricious manner.

28 **6.2 Employment Contract.**

29 (a) All appointments will be made on the University employment contract and signed  
30 by the President or designee, and the employee.

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- 1           **(b)** No appointment or assignment will create any right, interest, or expectancy in any
- 2                   other appointment or assignment beyond its specific terms, except as provided in
- 3                   this Agreement.
- 4                   **(1)** No special commitment or conditions offered to new hires shall bind the
- 5                           University indefinitely.
- 6                   **(2)** A special commitment or condition will be observed unless it is no longer
- 7                           financially or logistically feasible or circumstances have changed enough
- 8                           that it is no longer in the legitimate interests of the University.
- 9                   **(3)** If the university decides not to observe a special commitment or condition,
- 10                           the university will inform the employee in a timely manner. Upon the
- 11                           employee’s request, the university will provide a written justification of its
- 12                           decision not to observe the special commitment or condition.
- 13           **(c)** Appointments expire on the date set forth in the faculty member’s employment
- 14                   contract. No further notice of cessation of employment is required, unless otherwise
- 15                   provided in this Agreement.
- 16           **(d)** If the University intends to offer a faculty member reappointment, the University
- 17                   will inform the faculty member by August 15 following the academic year in which
- 18                   the reappointment review was conducted.
- 19           **(e)** Resignation.
- 20                   **(1)** An employee who wishes to resign has the professional obligation, when
- 21                           possible, to provide the University with sufficient notice to avoid
- 22                           scheduling and classroom disruptions or, where the employee does not have
- 23                           an instructional assignment, a minimum of four (4) weeks' notice.
- 24                   **(2)** Upon resignation, all consideration for reappointment and promotion will
- 25                           cease.

26   **6.3   Faculty Appointment and Reappointment Contract Duration.**

- 27           **(a)** Contract duration for faculty appointments and reappointments are as follows:
- 28                   **(1)** Instructor
- 29                           **a.**    Initial Contract duration: two (2) years
- 30                           **b.**    Reappointment Contract duration: two (2) years.

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- 1                   c.     Promotion Contract duration: Faculty promoted from Instructor to
- 2                             Senior Instructor shall receive an initial appointment contract
- 3                             duration of (3) years.
- 4                   (2)    Senior Instructor
- 5                             a.     Initial contract duration: three (3) years
- 6                             b.     Reappointment contract duration: three (3) years
- 7                   (3)    Assistant Professor.
- 8                             a.     Initial Contract Duration: three (3) years.
- 9                             b.     Reappointment Contract Duration: three (3) years.
- 10                   c.     Promotion Contract duration: Faculty members promoted from
- 11                             Assistant to Associate Professor shall receive an appointment
- 12                             Contract duration of six (6) years
- 13                   (4)    Associate Professor
- 14                             a.     Initial Contract Duration: three (3) years, unless the University
- 15                             determines that an initial term of four (4) or five (5) years is
- 16                             appropriate or warranted. The reason for a longer initial term shall
- 17                             be provided to the UFF upon request.
- 18                             b.     Reappointment Contract Duration:
- 19                                 1.     Three (3) years based upon a Preliminary Review (see
- 20                                 Section 6.7(a)(1)).
- 21                                 2.     Six (6) years based upon a Full Review (see Section
- 22                                 6.7(a)(2)).
- 23                             c.     Promotion Contract Duration: Individuals promoted from Associate
- 24                             Professor to Professor shall receive an appointment term of six (6)
- 25                             years.
- 26                   (5)    Professor
- 27                             a.     Initial Contract Duration: six (6) years, unless the University
- 28                             determines that it is in its best interest to offer an initial contract with
- 29                             a ~~preliminary~~three (3) to five (5) year duration- duration.

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b. Reappointment Contract Duration: six (6) years when based upon a Full Review (see Section 6.7(a)(2)).

**6.4 Reappointment and Promotion Review Eligibility and Requirements.**

(a) Faculty are eligible for Reappointment and Promotion Reviews during the following periods:

(1) Instructor

a. Reappointment Cycle: two (2) years. Instructors receive an Instructor’s Review during the spring semester of the final year of their initial appointment and a biennial instructor’s review (occurring every two years) thereafter.

b. Individuals whose employment did not start at the beginning of the fall semester will have their Instructor’s Review delayed to the first spring semester following the completion of a minimum of four (4) full, contiguous fall and spring semesters following their initial appointment.

(2) Senior Instructors

a. Reappointment Cycle: three (3) years after Promotion or initial contract – Instructor’s Review during the spring semester of the third (3<sup>rd</sup>) year after their first promotion period (6<sup>th</sup> full semester as a Senior Instructor).

(3) Assistant Professor

a. Preliminary Review (see 6.7(a)(1)).

1. Preliminary Review for reappointment begins at the start of the first spring semester following the completion of a minimum five (5) full, contiguous semesters at the current appointed rank.

2. Individuals whose employment did not start at the beginning of the fall semester will have their Preliminary Review delayed to the first spring semester following the completion of a minimum of five (5) full, contiguous semesters following their initial appointment.

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- 3. May only be reappointed once and must apply, consistent with the start of the process in the fall semester, for promotion no later than at the completion of six (6) academic years (fall to spring).
- 4. However, if hired prior to June 1, 2017, such faculty must apply for promotion to Associate Professor no later than the last year of their three-year reappointment term.

**b.** Promotion

- 1. Assistant Professors must be promoted to Associate Professor by the end of their second (2<sup>nd</sup>) reappointment term, noting Section 6.4(a)(3)a.3 above, in order to receive a contract with a duration greater than a single terminal year.
- 2. The University may, at its sole discretion, permit a faculty member to delay promotion review by granting a maximum one (1) year extension at this rank due to a valid request for FMLA or other appropriate leave.
- 3. Other extensions must be formally agreed upon in writing by both the FPU BOT and UFF FPU.
- 3.4. In order to be considered for promotion, a faculty member must have a Full Review as described in Section 6.7(a)(2).

**(4)** Associate Professor

**a.** Preliminary Review (see Section 6.7(a)(1)).

- 1. Preliminary review for reappointment is only available to Associate Professors as their first review after their initial appointment if their initial appointment is less than six (6) years.
- 2. Preliminary Review for reappointment begins at the start of the spring semester of the final year of their contract.

**b.** Full Review (see Section 6.7(a)(2)).

- 1. Except as described in Section 6.4(a)(4)a.1, Full rReviews

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are required ~~to~~ for reappointment of Associate Professors and must be completed before the expiration date of a ~~e~~Candidate’s existing contract ~~if the individual.~~

~~1. If an Associate Professor is not eligible for preliminary review.~~

~~(I) Individuals that are employed on a contract reappointed based on a preliminary review must have the, all subsequent review be reappointment reviews are based upon a Full Review.~~

2. The ~~full review~~ Full Review may be used, at the Candidate’s election, to also request promotion to the rank of Professor.

(5) Professor:

a. Reappointment is based upon a Full Review (see Section 6.7(a)(2)).

**6.5 Promotion Categories and Eligibility Criteria for Faculty.**

(a) Subject to the requirements set forth herein, faculty holding the rank of Instructor, Assistant Professor and Associate Professor shall be eligible to apply for promotion to the next higher rank.

(b) Professional Ranks:

(1) Instructor to Senior Instructor.

a. Senior Instructors are at their highest rank possible and cannot be promoted to Assistant Professor.

(2) Assistant to Associate Professor.

(3) Associate Professor to Professor.

(c) Notice of Intent. Faculty that seek promotion must declare their intent to seek promotion in writing to the Provost and their Department Chair or Division Director (if applicable), no later than the start of the fall semester in the academic year in which they will seek promotion.

(d) Minimum Qualifications.

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- 1           (1) Faculty (including Instructors) must serve at least five (5) academic years
- 2           at their current (or higher) rank in order to qualify for promotional
- 3           consideration to a higher rank.
- 4           (2) At least two (2) of the five (5) immediately preceding academic years must
- 5           be served at the University.
- 6           (3) The University, at its discretion, may provide exceptions to these minimum
- 7           qualifications upon request of a faculty member and approval of their Chair,
- 8           Director (when a Director is present), and the Provost or designee.

9   **6.6 Reappointment and/or Promotion Materials for Assistant Professors, Associate**  
 10 **Professors, and Professors.** (Note: Instructors see Section 6.9)

- 11   (a) The candidate submits a “dossier” in support of their reappointment or promotion.
- 12   (b) The promotion “packet” is the body of material that includes the dossier, letters of
- 13   reference if required, any supplemental information considered by the committees
- 14   or Provost and the candidate’s response to that supplemental information, and
- 15   committee recommendations as specified by the process.
- 16   (c) Candidate Prepared Dossier. A Candidate for reappointment or promotion must
- 17   prepare a dossier for consideration, which must include: a personal statement from
- 18   the Candidate and elements that show the Candidate’s demonstrated abilities and
- 19   competencies in teaching, service, and research—including: performance reviews
- 20   received since their last reappointment if applicable (if not, all performance reviews
- 21   received), faculty activity reports from two (2) prior years of employment at the
- 22   University.
- 23   (d) Faculty Dossier contents:
- 24   (1) The faculty dossier is prepared by the faculty member and, within the
- 25   boundaries of the specified format, must show the candidate’s competencies
- 26   in teaching, service, and research.
- 27   (2) Intentional or significant misrepresentations contained in the Candidate’s
- 28   dossier shall serve as just cause for termination pursuant to Article 9 –
- 29   Discipline.
- 30   (e) Faculty Dossier format.
- 31   (1) The Provost shall develop the format and guidelines for the Candidate

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1 Prepared Dossier and send them to the Faculty Representative Council  
2 (“FRC”) for review and comment by February 15 of the spring semester in  
3 even numbered calendar years.

4 a. The FRC shall review, within fourteen (14) days of receipt, the  
5 format and guidelines and shall recommend approval or changes to  
6 the Provost.

7 b. Should the FRC recommend changes, the Provost shall, within ten  
8 (10) days, either accept the changes or give a written justification  
9 for not accepting the changes.

10 (2) The Candidate Prepared Dossier must follow the final format as finalized  
11 by the Provost and faculty are solely responsible for the content within, and  
12 production of, the dossier. Review committees may choose to not consider  
13 ~~dossiers that do a dossier which does~~ not ~~follow substantially track~~ the  
14 ~~required~~ format ~~in substantial ways~~.

15 (f) Reference Letters.

16 (1) Reference letters are required for promotion reviews and full reviews.

17 (2) Reference letters are added to the faculty dossier by the provost’s office and  
18 become a part of the reappointment or promotion “packet.”

19 (3) Letters are not required for promotion to Senior Instructor.

20 (4) Reference letters are confidential and will be requested using a template that  
21 instructs the external reviewer regarding the materials supplied, and any  
22 special considerations, including the University’s history, teaching  
23 expectations, and research infrastructure. This template will be developed  
24 according to and as part of the process laid out in Section 6.6(f)(5)

25 (5) Requesting Reference Letters.

26 a. A minimum of four (4) reference letters must be requested.

27 b. The Candidate “nominates” up to four (4) individuals to provide  
28 reference letters.

29 c. ~~The Division Director, or if the academic unit does not belong to a~~  
30 ~~division, Department Chair, in conjunction with the~~ The Department

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(or Division) Evaluation Panel (“DEP”) formally requests all external reference letters, which shall include at a minimum two (2) individuals nominated by the Candidate, and a minimum of two (2) letters from individuals not nominated by the Candidate.

(6) Request for Reference Letter template

a. The Provost (or designee) will draft a letter that specifies what materials will be provided to the external referee and provide the letter to the ~~Faculty Representative Council (or equivalent)~~ UEC.

b. The ~~FRCUEC~~ will ~~consider and then edit~~ review the ~~letter draft~~, make appropriate revisions, and provide the final draft of the letter ~~for use~~ to the Department Evaluation Panel (“DEP”) for their use distribution.

(7) The confidential reference letters shall be included for review with Candidate’s dossier and any supplemental materials.

a. A list of the names of all individuals asked to provide a review and whether any declined to provide this review, and reason given, if any, will also be included in the Packet.

**6.7 Reappointment and/or Promotion Process: Types, Notices, and Committee Memberships for Assistant Professors, Associate Professors, and Professors.**

(a) Types of Review Processes.

(1) Preliminary Review.

a. A review that does not include external letters and is only conducted by the Department Evaluation Panel (as described below in Section 6.7(c)).

b. Results of this review are provided directly to the Provost for consideration.

(2) Full Review.

a. A review that includes external letters ~~for promotion~~ and is conducted by the Department Evaluation Panel (“DEP”), then the University Evaluation Committee (“UEC”).

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1                   **b.**     Results of the reviews are then provided to the Provost for  
2                   consideration, except in Sections 6.7(d)(2)d & 6.8(c)(5)a, in which  
3                   the results of the reviews are directly provided to the President for  
4                   consideration.

5                   **(b)**     Notice of Review Requirement

6                   **(1)**     Individuals that require a Preliminary Review (as specified in Section  
7                   6.7(a)(1)), due to their appointment expiring in the coming year, will be  
8                   notified of the requirement for review no later than December 10, prior to  
9                   the spring semester in which their review must be completed.

10                  **(2)**     Before the start of the fall semester in the year when an individual must seek  
11                  reappointment, the University will provide notice to professors who:

12                   **a.**     must apply for promotion from Assistant to Associate Professor to  
13                   maintain their appointment, or;

14                   **b.**     must participate in a Full Review to renew their appointment.

15                  **(3)**     Notice from the University will provide information relevant to the  
16                  applicable reappointment/promotion process including instructions and  
17                  deadlines: (the "Notice").

18                  **(4)**     Within fifteen (15) days of receiving such ~~notice~~the Notice, eligible  
19                  professors will inform the University of their election to apply for  
20                  promotion or proceed with reappointment.

21                  **(5)**     Candidates for reappointment or promotion shall provide the University  
22                  with their dossier by the deadline set forth in the ~~n~~Notice referenced herein.

23                  **(c)**     Department Evaluation Panel (~~"DEP"~~) Membership

24                   **(1)**     DEP Chair.

25                   **a.**     The Division Director, if present, or if there is not a division, the  
26                   Department Chair serves as the chair of the DEP if ~~he or she~~the  
27                   Department Chair holds the appropriate faculty appointment rank.

28                   **b.**     If the Division Director or Department Chair does not hold the  
29                   appropriate rank, the Provost will appoint a chair for the DEP.

30                   **(2)**     DEP Membership.

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- 1                   **a.**     For reviews of Assistant and Associate Professors, the DEP shall
- 2                   consist of faculty of a higher rank than the Candidate within the
- 3                   Candidate’s division, or if no division is present, within the
- 4                   Candidate’s department. When there are an insufficient number of
- 5                   faculty to meet the minimum requirements for a DEP, the process
- 6                   below will be used to form a DEP.
- 7                   **b.**     There must be a minimum of five (5) qualified (appropriately
- 8                   ranked) individuals serving on the DEP.
- 9                   **1.**     If the number of individuals available to serve on the DEP is
- 10                   less than five (5), the Provost and DEP Chair will each select
- 11                   a faculty member or, if necessary, two (2) faculty members
- 12                   of appropriate rank from another unit at the University to
- 13                   serve on the DEP.
- 14                   **c.**     Individuals that are in the terminal year of their employment
- 15                   contract (as a result of non-reappointment, resignation, or layoff) or
- 16                   those who received “Needs Improvement” or “Deficient” (or
- 17                   “Unsatisfactory”) in their most recent performance evaluation are
- 18                   not eligible to serve on the DEP, regardless of any pending
- 19                   grievance to challenge such evaluation (See Section
- 20                   11.11(a)) [FPU-BOT1].
- 21                   **d.**     A faculty member who is a Candidate for Reappointment may serve
- 22                   on the DEP only with the approval of the Provost and DEP Chair.

(d) University Evaluation Committee (“UEC”) membership.

(1) UEC Membership.

a. The UEC is appointed by the Provost or designee will request from those holding the rank “Professor” from a nomination pool provided by the Faculty Representative Council; however, if there are fewer than eight (8) qualified individuals at the University, all such qualified individuals shall be deemed in the nomination pool.

1. Individuals that members chosen for the DEP identify any conflicts of interest that might arise from are in their

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~~service~~terminal year of employment (as a result of non-reappointment, resignation, or layoff), or those who received “Needs Improvement”, “Unsatisfactory” or “Deficient” in their most recent performance evaluation, are not eligible to serve on the DEP. ~~The Provost or designee~~UEC, regardless of any pending grievance to challenge such evaluation (See Section 11.11(a)).

2. In years where an individual is up for reappointment review, he or she may ~~excuse panel~~not participate in the UEC.

b. Term duration will be staggered to have a “normal” term of three (3) years in length and with overlap in UEC membership so that institutional knowledge for the committee is maintained.

c. If fewer than ~~four (4)~~ [FPU-BOT2] individuals are eligible to staff the UEC, the UEC will be chaired by the Provost with all eligible faculty serving as members.

(2) Number of UEC Members.

a. If fewer than ten (10) individuals with the rank Professor are on staff at the University, the UEC will consist of ~~four (4)~~ [FPU-BOT3] to six (6) individuals at the discretion of the University.

b. With ten (10) to twenty (20) Full Professors on staff, the UEC will consist of five (5) to seven (7) individuals at the discretion of the University.

e.c. With more than twenty (20) Full Professors on staff, the UEC will consist of seven (7) members ~~for conflicts of interest.~~

d. If, during the review of an individual with rank Professor, if the faculty member’s unit does not have a ~~minimum of four (4)~~ [FPU-BOT4] individuals with the rank of Professor, the UEC will be the sole reviewing committee for that faculty member.

e. The UEC must operate in executive session and in total confidentiality.

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1 **6.8 Reappointment and Promotion Procedure for Assistant Professors, Associate**  
2 **Professors, and Professors.**

3 (a) General Rules.

4 (1) Previously Promoted. If the University previously promoted the Candidate,  
5 the promotion assessment shall be based on the Candidate’s performance  
6 since the Candidate’s last promotion.

7 (2) Not Previously Promoted.

8 a. If the University has not previously promoted the Candidate, the  
9 promotion assessment is cumulative and must include consideration  
10 of the Candidate’s achievements prior to employment at the  
11 University.

12 b. However, the Candidate’s promotion assessment must also establish  
13 that the Candidate has continued to progress and achieve in the  
14 categories and criteria used for reappointment and/or promotion  
15 while employed at the University.

16 (3) Reference Letters for Promotion and Full Reviews.

17 a. A single negative reference may not be the sole basis for not  
18 reappointing a candidate or for not promoting a Candidate, unless  
19 such reference shows that a Candidate’s dossier contains a  
20 misrepresentation as provided in Section 6.6(d)(2).

21 b. Promotion and reappointment decisions shall not be based solely on  
22 the reference letters received.

23 (4) Department Inputs.

24 a. If the DEP includes no members from the candidate’s department,  
25 the DEP will request input from the department chair before  
26 finalizing its recommendation. ~~This input must, if practical, include~~  
27 ~~an in-person meeting with the chair.~~

28 b. If the Department chair is the candidate and no member from the  
29 chair’s department is a member of the DEP, the Provost or designee  
30 shall select a member of the chair’s department to provide input to

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the DEP before the DEP finalizes their recommendation. ~~This input must, if practical, include an in-person meeting with the chair.~~

**(b) DEP Review and Recommendation.**

**(1)** The University shall provide the Packet (as described in Section 6.6) to the DEP for review.

**(2)** For cases that are a ~~Promotion Review~~ Full Review, the DEP will meet to select individuals that will receive requests for reference letters for the candidate. This meeting should be early in the process to allow time for the receipt of the letters.

**(3)** The DEP may acquire or review supplemental materials and/or other information as appropriate.

**a.** If supplemental materials and/or other information is used as part of the review, the Candidate will be informed of the use of this information and provided a minimum of five (5) days, but no longer than ten (10) days, to respond to the information.

~~(4)~~ The For Preliminary Reviews, the DEP will prepare and provide a report that is added to the candidate’s packet. The DEP recommendation is presented to the Provost directly. Within this report, the DEP may choose to highlight areas of concern and comment on the candidates progression towards on-time promotion.

~~(4)(5)~~ For Full Reviews, the DEP will prepare and provide a report that is added to the candidate’s packet. The DEP recommendation is presented to the Provost UEC.

~~a. For a preliminary review of an Assistant Professor, the DEP will include an assessment of the faculty member’s progression towards promotion in their report.~~

~~(5)(6)~~ The DEP must operate in executive session and in total confidentiality.

~~(6)(7)~~ All DEP reports, recommendations, and work product constitute faculty evaluative information and/or limited-access records, pursuant to Florida Polytechnic University Rule 6C13-6.008.

**(c) UEC Report and Recommendation.**

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Chief Negotiator

Date \_\_\_\_\_

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- 1           (1) If conducted, the DEP will add its report to the Candidate’s packet which
- 2           includes the dossier, letters of recommendations, a table listing review
- 3           requests, the DEP report and recommendation, and any supplemental
- 4           materials and Candidate responses which were used as part of the decision
- 5           in the review.
- 6           (2) The UEC will use the candidate’s packet to consider the reappointment or
- 7           promotion request.
- 8           (3) The UEC may acquire or review supplemental materials and/or other
- 9           information as appropriate.
- 10           a. If supplemental materials and/or other information is used as part of
- 11           the review at any time during the process, the Candidate will be
- 12           informed of the use of this information and provided a minimum of
- 13           five (5) days, but no longer than ten (10) days, to respond to the
- 14           information.
- 15           (4) Reference letters are to be used as an input to the overall evaluation by the
- 16           committee.
- 17           a. A single negative reference may not be the sole basis for not
- 18           reappointing a candidate or for not promoting a Candidate, unless
- 19           such reference shows that a Candidate’s dossier contains a
- 20           misrepresentation as provided in Section 6.6(d)(2).
- 21           b. Promotion and reappointment decisions shall not be based solely on
- 22           the reference letters received.
- 23           (5) The UEC will prepare a report and recommendation that is addressed to the
- 24           Provost. The UEC report is added to the Candidate’s packet.
- 25           a. If the Provost chairs the UEC, the Provost will not make a
- 26           recommendation, but will supply a candidate’s Packet, and both the
- 27           UEC and DEP reports to the President for a final decision.
- 28           (6) All UEC reports, recommendations, and work product constitute faculty
- 29           evaluative information and/or limited-access records, pursuant to Florida
- 30           Polytechnic University Rule 6C13-6.008.

31           **(e)(d) Provost’s Review and Recommendation.**

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Chief Negotiator

Date \_\_\_\_\_

Date \_\_\_\_\_



- 1                   **(1)**    The Provost shall review all procedural and substantive matters for
  - 2   completeness in order to ensure that the DEP ~~has~~and/or UEC have met their
    - 3   responsibilities in this Article.
    - 4   **a.**     If procedural errors or inconsistencies are present in the process, the
      - 5   Provost will send materials back to the appropriate part of the
        - 6   process for correction before making a recommendation regarding
          - 7   the candidate.
        - 8   **b.**     In rare instances, the Provost may acquire or review supplemental
          - 9   materials and/or other information as appropriate for completeness
            - 10   and accuracy of the Candidate’s packet.
            - 11   **1.**     As with the procedures used by the DEP and the UEC, any
              - 12   supplemental materials and/or other information must be
                - 13   disclosed to the Candidate with the same response rights and
                  - 14   times as provided in the DEP and UEC review.
                - 15   **2.**     If applicable, the supplemental materials and/or other
                  - 16   information and the Candidate’s response(s) will be
                    - 17   appended to the Candidate’s packet.
      - 18                   **(2)**    After a careful review of the reports and recommendations of the DEP, and
        - 19   UEC (if applicable), and the Candidate’s packet, the Provost, in his or her
          - 20   best judgment, shall make a positive or negative recommendation in writing
            - 21   as to the Candidate’s reappointment or promotion.
            - 22   **a.**     The Provost’s recommendation, if positive, is provided to the
              - 23   President consistent with Section 6.8(e).
              - 24   **b.**     If the Provost’s recommendation is negative, the decision and
                - 25   written justification are provided to the Candidate. Unless
                  - 26   overturned on appeal by the President, negative recommendations
                    - 27   from the Provost are terminal.
                  - 28   **c.**     The process for appealing a negative recommendation from the
                    - 29   Provost is as follows:
                      - 30   **1.**     Within ten (10) days of the Provost’s written justification
                        - 31   being provided the Candidate may submit a written appeal
                          - 32   to        the        Office        of        the        President

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\_\_\_\_\_  
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Date \_\_\_\_\_

Date \_\_\_\_\_

~~(president@floridapoly.edu)~~-(president@floridapoly.edu).

(I) Failure to appeal a negative recommendation within the ten (10) day time frame renders the recommendation final and subject to no further review or grievance.

2. Upon receipt of the Candidate’s appeal, the President will review the Provost’s negative recommendation, the UEC and DEP committee reports, and the Candidate’s packet.

3. The scope of the President’s appellate review is limited to the correcting errors of judgment or process.

4. Within twenty (20) days of receipt of the Candidate’s appeal, the President will render a decision either granting or denying the appeal on its merits.

(3) The Provost’s recommendation, Provost’s written justification, and the President’s decision as a result of the appeal process constitute faculty evaluative information and/or limited-access records, pursuant to Florida Polytechnic University Rule 6C13-6.008.

~~(d)~~(e) President’s Review and Authority. The President shall have the sole authority to grant a Candidate’s reappointment or promotion and will act upon the request for reappointment or promotion provided by the Provost.

(1) The granting of reappointment or promotion shall be based on the University’s criteria, clarifications produced by the Candidate’s unit or department, the reports and recommendations of the DEP and UEC, any documents relied upon by the DEP and UEC in creating their reports and recommendations, the Candidate’s packet, and the written recommendation of the Provost.

(2) The President will consider the items listed above, noting that the committee reports have provided a strong review of the candidate and, in his or her best judgment, either:

a. grant reappointment or promotion, via written notice, within the terms of this contract, or;

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Date \_\_\_\_\_

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- 1                   **b.**       deny the request for reappointment or promotion.
- 2                   **(3)**       If the President’s final decision on reappointment or promotion is negative,
- 3                   the President shall provide written justification to the Candidate within
- 4                   twenty (20) days of the decision. .
- 5                   **(4)**       The President’s written notice of granting reappointment or promotion
- 6                   (6.8(e)(2)a) and written justification denying the request for reappointment
- 7                   or promotion (6.8(e)(3)), constitute faculty evaluative information and/or
- 8                   limited-access records, pursuant to Florida Polytechnic University Rule
- 9                   6C13-6.008.

10 ~~(e)(f)~~ If a Candidate does not receive a promotion following formal consideration by full  
 11 review, the Candidate may not reapply for promotion until after the completion of  
 12 two (2) additional academic years. This clause shall not unreasonably deny a  
 13 Candidate their terminal promotion consideration to Associate Professor.

14 ~~(f)(g)~~ The Candidate being considered for promotion may withdraw from consideration  
 15 provided that the withdrawal is made before the ~~DEP provides~~ UEC begins its  
 16 ~~recommendation to consideration of~~ the Provost Candidate. Such withdrawal shall  
 17 be without prejudice and will not render the Candidate ineligible for the next  
 18 promotional cycle.

19 ~~(g)(h)~~ Promotion Date.

- 20                   **(1)**       Promotions for professors that are granted shall be effective on August 15
- 21                   following the decision date.
- 22                   **(2)**       An individual may use their new title effective upon written notification of
- 23                   their promotion.

24 **6.9    Reappointment and Promotion for Instructors and Senior Instructors.**

25 **(a)    Reappointment & Promotion Materials:**

- 26                   **(1)**       Reappointment Materials: Instructors must submit the following materials
- 27                   to be considered for reappointment:
- 28                   **a.**       Candidate personal statement
- 29                   **b.**       Updated, current curriculum vitae
- 30                   **c.**       Last two (2) faculty activity reports

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- 1                                    **d.**     Last two (2) reviews from department chair
- 2                                    **(2)**    Promotion (Instructor to Senior Instructor) Materials:– Instructors must
- 3                                    submit the following materials to be considered for Promotion to Senior
- 4                                    Instructor:
- 5                                    **a.**     Candidate personal statement
- 6                                    **b.**     Updated, current curriculum vitae
- 7                                    **c.**     Teaching portfolio
- 8                                    **d.**     Last two (2) faculty activity reports
- 9                                    **e.**     Last two (2) reviews from department chair
- 10                                   **(3)**    Reappointment of Senior Instructors: Senior Instructors must submit the
- 11                                   following materials to be considered for reappointment:
- 12                                   **a.**     Candidate personal statement to include update of activity since
- 13                                   promotion or last reappointment
- 14                                   **b.**     Updated Curriculum Vitae
- 15                                   **c.**     Last three (3) faculty activity reports
- 16                                   **d.**     Last three (3) reviews from department chair
- 17                                   **(b)**    Reappointment and Promotion: Types, Notices, and Criteria
- 18                                   **(1)**    Types:
- 19                                   **a.**     Faculty at the instructor level undergo reappointment reviews and
- 20                                   promotion review (if eligible and by choice of the candidate).
- 21                                   **b.**     Instructors are not required to seek promotion, nor may they be
- 22                                   penalized for not seeking promotion.
- 23                                   **c.**     Once promoted, Senior Instructors likewise undergo reappointment
- 24                                   reviews.
- 25                                   **(2)**    Notice of Reappointment or Promotion eligibility or requirement will take
- 26                                   place consistent with the notification requirement for other faculty.
- 27                                   **(3)**    Criteria for Instructor and Senior Instructor reappointment and promotion
- 28                                   will be developed through the process outlined below in Section 6.10.

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1 (c) Review Panel and Committees for Instructor-Level Reappointments and  
2 Promotion.

3 (1) Instructor-DEP: Shall consist of the department DEP plus one (1) Assistant  
4 Professor chosen by the Department Chair and one (1) out-of-department  
5 Senior Instructor, Instructor, or Assistant Professor chosen by the Provost.

6 (2) Instructor-UEC: Shall consist of the UEC plus one (1) Senior Instructor. If  
7 there is no individual with the rank Senior Instructor, the Provost will  
8 choose one (1) Associate Professor from outside the Instructor's  
9 department.

10 (d) Reappointment and/or Promotion Process, the Instructor Review.

11 (1) The Instructor-DEP and Instructor-UEC follow the same process as they do  
12 for other faculty, except there is no outside letter requirement for Instructor  
13 promotion or Senior Instructor reappointment.

14 (2) For reappointment reviews of Instructors and Senior Instructors, the  
15 Instructor-DEP provides its report directly to the Provost.

16 (3) Every third (3<sup>rd</sup>) reappointment review for Instructors and Senior Instructors  
17 requires an evaluation by the UEC.

18 (4) Promotion reviews for Instructors require an evaluation by the Instructor-  
19 UEC.

20 ~~(3)~~(5) Provost Review and Recommendation.

21 a. Both Instructor-DEP and Instructor-UEC reviews for Instructors  
22 and Senior Instructors culminate in either a positive or negative  
23 recommendation by the Provost as described in Section 6.8(d)(2).

24 b. These processes shall be consistent with that outlined for other  
25 faculty in Section 6.8(d)6.8(d).

26 ~~(4)~~(6) President's Review and Authority. Actions on reappointments and  
27 promotions by the President and Provost will be acted upon in the same  
28 manner as described in Section 6.8(e).

29 **6.10 Development of Reappointment and Promotion Criteria for Instructors, Assistant**  
30 **Professors, Associate Professors, and Professors.**

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- 1       **(a)**     The awarding of reappointment or promotion shall be based on written criteria,  
2                               which are established by the University and developed by each department in  
3                               accordance to this Article.
  
- 4       **(b)**     University Criteria. No later than January 15 of every even-numbered calendar  
5                               year, the University shall establish the general criteria for the granting of promotion  
6                               or reappointment, and provide that criteria to each department’s Division Director,  
7                               or Chair if no Division Director is present. If a category of reappointment or  
8                               promotion criteria is not in place for an upcoming review cycle where a candidate  
9                               may request reappointment or promotion, the criteria will be developed to support  
10                              that cycle.
  
- 11       **(1)**     Promotion and reappointment criteria shall consider the performance of the  
12                              work that the professor has been assigned (as reflected in FARE forms),  
13                              criteria for each rank as set forth in the most recent, BOT-approved Faculty  
14                              Handbook, and the faculty member’s responsibilities as a member of the  
15                              University and department community.
  
- 16       **(2)**     The University criteria shall broadly recognize and consist of the following:
  - 17           **a.**     Instruction, including regular classroom and laboratory teaching,  
18                              classroom development, effective development/application of new  
19                              instructional methods, directing thesis or dissertation committees,  
20                              and other instructional activities;
  - 21           **b.**     Research or other creative activities relevant to the department  
22                              mission, including scholarly publications, support and advising of  
23                              graduate students; and
  - 24           **c.**     Service to professional societies and contributions to the University  
25                              and department.
  
- 26       **(3)**     The criteria shall also include, but are not limited to:
  - 27           **a.**     a demonstrated record of scholarly activity, teaching, and as  
28                              appropriate, course and/or curriculum development commensurate  
29                              with the University’s mission and relevant academic discipline(s);
  - 30           **b.**     evidence of a positive and growing reputation in his/her chosen sub-  
31                              field within the department’s mission, and;

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- 1                   c.       promise of continued successful performance.
- 2                   **(4)**     The Provost will formally request input from the FRC as to the University
- 3                   criteria before providing the finalized University criteria to each
- 4                   department’s Division Director, or Chair if no Division Director is present.
- 5                   **(c)**     Department Clarifications of University Criteria. The department clarifications,
- 6                   described in this section shall provide context for the broader University criteria
- 7                   and:
- 8                   **(1)**     be consistent with university requirements and faculty work assignments;
- 9                   **(2)**     be detailed enough that a reasonable professor should be informed about the
- 10                  expectations for performance or accomplishments which are necessary to
- 11                  earn reappointment or promotion, assuming that the accomplishments are
- 12                  of sufficient quality, quantity, and consistency, and;
- 13                  **(3)**     identify some representative examples of the achievements or performance
- 14                  characteristics which, if the requirement or distinction were met, are
- 15                  appropriate comparisons for reappointment or promotion.
- 16                  **(d)**     Criteria and Department-Specific Clarification Review Process. Criteria and
- 17                  department-specific clarifications shall be developed and approved on a bi-annual
- 18                  cycle according to the following procedures:
- 19                  **(1)**     Department Committee Formation and Membership.
- 20                    **a.**     The Committee shall consist of:
- 21                      **1.**     the Vice Provost of Academic Affairs (or Provost-designee);
- 22                      **2.**     Department Chair (or if Division/Department Director is
- 23                      present, Division director, or designee) of each respective
- 24                      department, and;
- 25                      **3.**     two (2) faculty members from the department, at least one
- 26                      (1) holding the most senior rank in the department, subject
- 27                      to the limitations below in 6.10(d)(1)c).
- 28                    **b.**     In years during which the clarifications are reviewed, department
- 29                      faculty shall select their two (2) representative faculty members
- 30                      during the first week of the fall semester

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Chief Negotiator

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**c. Exceptions to Department Committee Membership.**

- 1. The Department Committee requires senior-ranking membership, followed by overall membership. If a department has three (3) or more senior-ranking faculty members, a senior-ranking faculty member that will be reviewed in the next academic year’s review cycle may not serve on the Department Committee.
- 2. Similarly, if a department has more than ten (10) faculty members, a junior-ranking faculty member that will be reviewed for reappointment in the next academic year’s review cycle may not serve on the departmental committee.
- 3. Faculty members that have resigned, received a notice of non-reappointment or notice of layoff, instructors, and visiting/adjunct faculty are not eligible to serve on the Department Committee or participate in the Department Committee selection process.

3.(1) However, Instructors who have served in a full-time capacity for at least the most recent five (5) consecutive years are eligible to serve on or participate in the Department Committee selection process as it relates to the development of department-specific clarifications for instructors.

**(2) Development of Department-Specific Clarifications.**

- a. The Provost shall provide a framework for department-specific clarifications and formally charge the Department Committee to develop and maintain written clarifications of the University’s reappointment and promotion criteria in terms aligned with the department’s discipline(s) and assigned duties, and consistent with University standards as established in the most recent BOT-approved version of the Faculty Handbook.
- b. Upon receiving the University criteria and clarification framework, the Department Committee shall convene to develop clarifications

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of the University criteria consistent with the department disciplines in accordance with the procedures outlined herein.

c. The Department Committee shall complete its review and finalize the department clarifications within fifteen (15) days of receiving the University’s criteria.

(3) Department Faculty Vote. Within ten (10) days of the Committee finalizing the department clarifications, the department faculty shall conduct a confidential and anonymous vote on said clarifications.

a. Faculty that are in their terminal year of employment (as a result of non-reappointment, resignation, or layoff), ~~and~~ visiting/adjunct faculty, and instructors are not eligible to vote on the clarifications. Instructors and Senior Instructors, however, are eligible to vote on the department-specific clarifications for instructors.

b. If a majority of a department’s faculty vote in favor of the proposed department clarifications, the department clarifications are forwarded to the Provost for review and approval.

c. If the majority of a department’s professors do not vote in favor of the proposed department clarifications, the Department Committee, shall reconsider the proposed clarifications prior to conducting a second vote.

1. The Department Committee shall have five (5) days to reconsider the proposed clarifications and conduct a second vote within five (5) days of finalizing the second round of department clarifications.

2. If the second vote is also unsuccessful, the proposed clarifications shall be forwarded to the Provost for approval, noting the lack of department faculty support.

3. If a vote does not occur within five (5) days of the Committee finalizing the department clarifications, the department clarifications shall be forwarded to the Provost for review, noting that no vote occurred.

(4) Provost Review. Within ten (10) days of receipt, the Provost shall review

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1 the proposed department clarifications to ensure compliance with this  
2 Agreement, the mission and goals of the University, and University  
3 standards as established in the most recent, BOT-approved version of the  
4 Faculty Handbook.

5 a. The Provost will either approve the proposed department  
6 clarifications, or return them to the Committee for reconsideration.

7 b. In the event the Provost returns the proposed department  
8 clarifications to the Committee for reconsideration, he/she shall  
9 provide objections to any such provision in writing.

10 (5) Committee Reconsideration. The Department Committee shall reconsider  
11 the Provost’s written objections and within ten (10) days after receiving  
12 them, shall resubmit the proposed written clarifications to the Provost,  
13 incorporating all, some, or none of the objections, along with a written  
14 explanation and justification for the resubmitted language.

15 (6) Provost Reconsideration, Revision and Adoption. The Provost shall  
16 reconsider the department clarifications and issue final revisions or  
17 approvals with a final adoption of the criteria within seven (7) days after  
18 receiving the revised department clarifications.

19 (e) Changes in Criteria for Reappointment and Promotion for Professors.

20 (1) Following the Provost’s approval adoption of the final criteria, the  
21 University may modify the approved University criteria for reappointment  
22 and promotion so long as the UFF has been notified of the proposed changes  
23 and been offered an opportunity to discuss such changes in consultation  
24 with the President or designee.

25 (2) Changes to discipline-specific departmental clarifications ~~of the may only~~  
26 be considered if changes to the University criteria have been made as  
27 described in (e)(1). Such changes to discipline-specific criteria shall be  
28 developed and approved according to the process outlined ~~above~~ in  
29 6.10(d)(2).

30 (f) Access to Criteria. The Reappointment and Promotion criteria shall be available  
31 on the Provost’s webpage (<https://floridapoly.edu/provost/>) and/or at the written  
32 request of any faculty member.

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Date \_\_\_\_\_

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1 **6.11 Non-Reappointment of Faculty**

2 (a) Faculty members on multi-year appointments cannot be terminated during the  
3 contract period except for just cause, layoff, or termination of the funding source in  
4 the case of soft money appointments.

5 (b) Reappointment or Promotion Review. If a faculty member has participated in a  
6 reappointment or promotion review and is not provided with an offer of  
7 reappointment or promotion,

8 (1) a faculty member with a remaining contract term of more than one (1) year  
9 will be provided written notice of non-reappointment, advising that the  
10 existing contract will not be renewed with no right to continued  
11 employment, or;

12 (2) a faculty member with a remaining contract term of less than one (1) year  
13 will be provided a notice of non-reappointment that the existing contract  
14 will not be renewed, and the University shall offer a terminal contract which  
15 supersedes the existing contract and expires one (1) year from the date of  
16 the written notice, with no right to continued employment.

17 (c) If a professor chooses not to participate in a reappointment review, or in the case of  
18 an Assistant Professor, chooses not to participate in the promotion process, the  
19 professor will be administratively non-reappointed and the professor’s employment  
20 shall end on the last date of the professor’s existing contract.

21 (d) Non-reappointed employees are not eligible to receive any salary increases or  
22 bonuses during the notice period.

23 (e) Non-reappointed employees are not eligible to serve on departmental or university  
24 committees without prior approval of the Provost.

25 (f) Payout option.

26 (1) At the time of or following issuance of a notice of non-reappointment to any  
27 employee, the University may elect in its discretion to pay the employee for  
28 all or a portion of the remaining term of the contract, as may be allowed  
29 under Florida law.

30 (2) If the University elects this option, it will pay the employee an amount, less  
31 withholding, equal to the salary for that portion of the remaining term of the

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Chief Negotiator

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1 contract which the University is paying out, and the employee’s  
2 employment will terminate immediately.

3 **6.12 Assistant Librarians and Wellness Counselors.**

4 (a) Contract duration for appointments and reappointments are as follows:

5 (1) Assistant Librarian I & Wellness Counselor I.

6 a. Initial Contract Duration: two (2) years

7 b. Reappointment Contract Duration: two (2) years

8 c. Reappointment Cycle: two (2) years.

9 1. The University will review the Assistant Librarian I and  
10 Wellness Counselor I during the second full spring term of  
11 employment (or the first spring after four complete terms  
12 depending on hire date) and thereafter in the fourth (4<sup>th</sup>)  
13 semester of each contract cycle.

14 (2) Assistant Librarian II and Wellness Counselor II.

15 a. Initial Contract Duration: two (2) years

16 b. Reappointment Contract Duration: three (3) years

17 1. The University will review the Assistant Librarian II and  
18 Wellness Counselor II during the second full spring term  
19 after initial promotion and thereafter in the spring of the third  
20 year of the reappointment contract.

21 (b) Reappointment Review Requirements & Process

22 (1) Candidate Required Materials: Candidates for reappointment must provide  
23 the following materials in their reappointment “packet.”

24 a. The Employee Self-Review Worksheet provided by Human  
25 Resources;

26 b. The candidate’s previous performance reviews;

27 c. An updated curriculum vitae;

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For the University

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For the UFF

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Alex Landback  
Chief Negotiator

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Myles Kim  
Chief Negotiator

Date \_\_\_\_\_

Date \_\_\_\_\_

1                    **d.**     If other materials are used as part of the review, the candidate will  
2                    be informed of this information, and provided a minimum of five (5)  
3                    days to respond to the information.

4                    **(2)**     Reappointment Process.

5                    **a.**     Dates for reappointment notification and submission of materials to  
6                    Supervisor will coincide with those for Faculty.

7                    **b.**     Considerations for reappointment include:

8                            **1.**     A review of goals, objectives, and accomplishments  
9                                achieved over the total review period.

10                           **2.**     Specific goals, tasks, or assignments derived from annual or  
11                                periodic evaluations.

12                           **3.**     Candidate’s likelihood for continued success.

13                           **4.**     Any additional criteria established via the process for  
14                                University Criteria for Reappointment and Promotion  
15                                established for faculty positions.

16                    **c.**     Decisions must be considered by the supervisor, the Provost, and the  
17                    Vice Provost of Student Affairs.

18                    **d.**     Upon request, the Provost will provide a written justification for the  
19                    reappointment decision.

20                    **(c)**     Promotion Procedure for Assistant Librarians & Wellness Counselors:

21                    **(1)**     Employees designated as Assistant Librarian I and Wellness Counselor I  
22                    are not obligated to seek promotion, nor will they be penalized for not doing  
23                    so.

24                    **(2)**     Available Ranks for Promotion

25                    **a.**     Assistant Librarian I to Assistant Librarian II

26                    **b.**     Wellness Counselor I to Wellness Counselor II

27                    **(3)**     Eligibility for Promotion.

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1                   **a.**     Minimum Duration of Employment: Employees must have served  
2                   at least 5 successful academic years at their current rank in a full-  
3                   time capacity, with an overall evaluation rating of “Meets  
4                   Expectation” for each of those years, in order to qualify for  
5                   consideration of the next highest rank.

6                   **b.**     Minimum Requirements: Employees must have been in a position  
7                   of continued employment and not have been given notice of non-  
8                   reappointment or termination, and not initially hired at a rank higher.

9                   **(4)**     Promotion Review Requirements & Process.

10                  **a.**     Candidate Required Materials: Candidates for reappointment must  
11                  provide the following materials in their reappointment “packet.”

12                           **1.**     A personal statement addressing how the candidate fulfills  
13                           the responsibilities of the position and advances the mission  
14                           of the unit and the University.

15                           **2.**     The candidate’s previous performance reviews (including  
16                           self-evaluations) and other evaluations since initial hire at  
17                           the University.

18                           **3.**     An updated curriculum vitae.

19                           **4.**     If other materials are used as part of the review, the candidate  
20                           will be informed of this information, and provided a  
21                           minimum of five (5) days to respond to the information.

22                  **(5)**     Promotion Process.

23                  **a.**     Dates for Promotion notification and submission of materials to  
24                  Supervisor will coincide with those for Faculty.

25                  **b.**     Considerations for Promotion include:

26                           **1.**     A review of goals, objectives, and accomplishments  
27                           achieved over the total review period.

28                           **2.**     Specific goals, tasks, or assignments derived from annual or  
29                           periodic evaluations.

30                           **3.**     Candidate’s likelihood for continued success and

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appropriate contribution on institutional initiatives.

- 4. Any additional criteria established via the process for University Criteria for Reappointment and Promotion established for faculty positions.

**c. Promotion Decisions**

- 1. May include inputs from relevant campus stakeholders, such as students, faculty, and other staff.
- 2. Must be considered by the supervisor, the Provost, and the Vice Provost of Student Affairs.
- 3. Upon request, the Provost will provide a written justification for the promotion decision.

**(d) Non-Reappointment.**

- (1) Employees on multi-year appointments cannot be terminated during the contract period except for just cause, layoff, or termination of the funding source in the case of soft money appointments.
- (2) Non-Reappointment at Reappointment or Promotion Review: If an employee has participated in a reappointment or promotion review and is not provided with an offer of reappointment or promotion, that employee shall receive a terminal, 6-month contract that supersedes any existing contracts.
- (3) Non-reappointed employees are not eligible to receive any salary increases or bonuses during the notice period.
- (4) Non-reappointed employees are not eligible to serve on departmental or university committees without prior approval of the Provost.
- (5) Payout option.
  - a. At the time of or following issuance of a notice of non-reappointment to any employee, the University may elect in its discretion to pay the employee for all or a portion of the remaining term of the terminal contract, as may be allowed under Florida law.

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1                   **b.**     If the University elects this option, it will pay the employee an  
2                   amount, less withholding, equal to the salary for that portion of the  
3                   remaining term of the contract which the University is paying out,  
4                   and the employee’s employment will terminate immediately.

5   **6.13   Grievability.**

6           **(a)**     The University’s decision to not offer reappointment or promotion to an employee  
7           shall not be considered a disciplinary action.

8           **(b)**     The decision to not offer reappointment or promotion is grievable according to  
9           Article 11 - Grievance and Arbitration Procedure, as an employee may contest the  
10           decision solely because of an alleged violation of a specific term of the Agreement  
11           or because of an alleged violation of the employee’s constitutional rights.

12           **(c)**     For the purposes of a grievance about a faculty reappointment or promotion  
13           decision, the scope of materials relied upon the denial of a candidate’s  
14           reappointment or promotion is limited to the Candidate’s packet, the DEP report  
15           and recommendation, the UEC report and recommendation, and the Provost’s  
16           recommendation. The University may not subsequently introduce new grounds for  
17           that denial during the grievance process nor may it assert that there are other,  
18           unwritten grounds for that denial.

19           **(d)**     The remedy for any grievance filed under this provision, if successful, shall not  
20           include an award of reappointment or promotion.

21           **(e)**     Such grievances must be filed within thirty (30) days of the Candidate’s receipt of  
22           the denial of promotion or reappointment from the President as described in  
23           6.8(e)(3) or the President’s denial of an appeal as described in Section 6.8(d)(2)c.4.

24           **(f)**     Reports and recommendations from the DEP, UEC, and Provost shall be available  
25           for arbitration proceedings consistent with the requirements described in Florida  
26           Polytechnic University Rule 6C13-6.008.

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